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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,944	02/14/2001	Michael R. Miller	150-123CIP12	2334
7590	08/13/2004		EXAMINER	
MR. WILLIAM FRITZ NEOMEDIA TECHNOLOGIES, INC. 2201 SECOND STREET SUITE 600 FORT MYERS, FL 33901			PEREZ DAPLE, AARON C	
			ART UNIT	PAPER NUMBER
			2154	
			DATE MAILED: 08/13/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/783,944	MILLER ET AL.	
	Examiner	Art Unit	
	Aaron C Perez-Daple	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 February 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This Action is in response to Application filed 2/14/01, which has been fully considered.
2. Claims 1-18 are presented for examination.
3. This Action is non-Final.

Claim Objections

4. Claim 13 is objected to because of the following informalities: lines 2, 5 and 7 recite “clogic” where they should recite --logic--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-4, 6-10, 12-16 and 18** are rejected under 35 U.S.C. 102(b) as being anticipated by Saigh et al. (US 5,734,823) (hereinafter Saigh).

7. As for claims 1, 7 and 13, Saigh discloses a method, system and product for bar code-based electronic commerce, comprising the steps of:

- (a) receiving a representation of a bar code at a terminal from a user, wherein the representation of the bar code is obtained by scanning a bar code of an item (col. 8, lines 14-38);

- (b) presenting information relating to obtaining the item on a display of the terminal (col. 6, lines 16-31; col. 8, lines 14-38);
- (c) receiving input from the user in response to the presented information, wherein the user input is for obtaining the item (col. 6, lines 16-31; col. 8, lines 14-38).
8. As for claims 2, 8 and 14, Saigh discloses the method as recited in claims 1, 7 and 13, wherein the item is a rental item, wherein the information presented includes rental information (col. 11, lines 19-42).
9. As for claims 3, 9 and 15, Saigh discloses the method as recited in claims 2, 8 and 14, wherein the user input includes payment information for paying a rent of the rental item (col. 12, lines 24-47).
10. As for claims 4, 10 and 16, Saigh discloses the method as recited in claims 1, 7 and 13, wherein the item is a product, wherein the terminal dispenses the product upon receiving payment information from the user (col. 8, lines 14-38; col. 9, lines 7-27).
11. As for claims 6, 12 and 18, Saigh discloses the method as recited in claims 1, 7 and 13, wherein the item is a product, wherein the product is sent to the user after receiving payment information from the user (col. 8, lines 14-38; col. 9, lines 7-27).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 5, 11 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh in view of Golden et al. (US 5,761,648) (hereinafter Golden).

14. As for claims 5, 11 and 17, Saigh does not specifically disclose that the terminal may dispense a ticket upon receiving payment information from the user, wherein the ticket is exchanged for possession of the product. Golden teaches dispensing a ticket wherein the ticket may be exchanged for possession of a product (see abstract). It would have been obvious to one of ordinary skill in the art to modify Saigh by dispensing a ticket from the terminal and exchanging the ticket for possession of a product, because this would allow for purchasing products wherein the terminal is remote from the product, as taught by Golden (col. 2, lines 18-41).

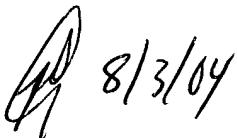
Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,754,636 B1, note use of vouchers and barcode scanner; US 6434,530 B1, note interactive shopping system with barcode reader; US 6,308,893 B1, note abstract; US 5,903,875, note use of tickets for exchange for merchandise; US 5,664,110, note remote ordering system with barcode scanner; US 5,612,868, note Fig. 1; US 5,418,354, note abstract; US 5,250,789, note abstract.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703) 305-4897. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Aaron Perez-Daple


JOHN FOLLANSBEE
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